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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,797	01/29/2001	Martin Hoffmann		7837

7590
Patrick J. Walsh, Esq.
400 Main Street
Stamford, CT 06901

05/21/2003

EXAMINER

PRASAD, CHANDRIKA

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,797

Applicant(s)

HOFFMANN ET AL.

Examiner

Chandrika Prasad

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,12,16,17 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-11,13-15,18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 8.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. The reply filed on 05/08/03 consists of amendments to Claims 1-7, 11-22; changed in the specification; formal drawings and remarks related to rejection of claims. The claims are not allowable as explained below.

Specification

- ✓ 2. The abstract of the disclosure is objected to because "n" has not been defined. Correction is required. See MPEP § 608.01(b).
- ✓ 3. The disclosure is objected to because of the following informalities:
 - What is meant by more positive and more negative (see page 10, lines 21-22)?
 - The formula $w = (n) \times (n-1)/2$ has not been described or derived.
 - "n" has been used to designate both set of power distribution means (Page 11, lines 6-7) and the number of waveguide plates 2.
 - What is meant by a fully redundant backplane? (see page 20, line 22).

Claim Objections

4. Claims 1, 2, 6, 13, 14 are objected to because of the following informalities: What is meant by redundant power distribution means?. Appropriate correction is required.
- ✓ 5. Claims 9-10 are objected to because of the following informalities: what is meant by "transmit and transmit optical signals" and "receive and receive optical signals"? Appropriate correction is required.

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The examiner assumes this to mean for only transmitting or only receiving optical signals.

6. Claim 20 is objected to because of the following informalities: What is meant by a fully redundant backplane?. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-3, 6 and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- The independent claims 1, 2 and 6 recite an equation, $w = (n) \times (n-1)/2$, which has not been described in the specification.
- Claim 13 recites "45 degrees stations", which has not been described in the specification.
- The independent claim 14 recites " $(n)/2$ of $(n-2)/2$ " and " $((n)/2)$ of $(n)/2$ ", which have not been described in the specification.
- Claims 1, 2, 6, 13 and 14 recite "redundant power distribution means", which has not been described in the specification.

9. Claims 1, 2, 3 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

These claims recite a relationship $w = (n) \times (n-1)/2$, where n is the number of circuit board assemblies (designated by reference numeral 11 in the drawings) but the specification (see Page 10, line 20) defines n to be the number of waveguide plates 2 as well as the set of power distribution means (see Page 11, lines 6-7).

10. Claims 14-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

These claims recite $n/2$ of $(n-2)/2$ pair, where n is the number of circuit board assemblies (designated by reference numeral 11 in the drawings) but the specification (see Page 10, line 20) defines n to be the number of waveguide plates 2 as well as the set of power distribution means (see Page 11, lines 6-7).

Claim Rejections - 35 USC § 102

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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23. Claims 7-11, 18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Popoff.

Popoff (Figures 1-8) shows a plurality (n, six in this case) of waveguide plates, each having several (m, 2 in this case) pairs of side-by-side optically isolated paths with input and output ports for receiving and/or transmitting optical signals and a coupler 16 to connect various signals.

Response to Arguments

11. Applicant's arguments filed 05/08/03 have been fully considered but they are not persuasive.

The long list of differences cited between the instant invention and Popoff is not supported by claim language.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrika Prasad at (703) 308-0977. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at (703) 308-2710. The fax number for this Group is (703) 872-9318 (general) and (703) 872-9319 for after-final. Any inquiry of a general nature should be directed to the Group receptionist at (703) 308-1782.



Chandrika Prasad
Patent Examiner
May 19, 2003